

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CHALLENGER HOLDINGS LLC,

Plaintiff,

23-cv-5147 (PKC)

-against-

ORDER

JETCRAFT GLOBAL (UK),
LIMITED,

Defendant.

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CASTEL, U.S.D.J.

The Court held a Case Management Conference on March 25, 2024. Both parties agreed that the definition of the terms “Significant Findings,” “Material Damage,” and “Material Corrosion” as set forth in the Aircraft Purchase Agreement are not ambiguous, although the parties disagree about the interpretation of those terms.

The parties agree that the action is to be tried to the Court without a jury. Consistent with the practice in this district, summary judgment motions are discouraged in cases that will be tried to the Court.¹

Final Pre-Trial Submissions as set forth herein are due on the following schedule: Plaintiff shall file its direct testimony by affidavit of all witnesses within its control, any trial exhibits, any excerpts of depositions, and its trial brief by May 24, 2024. Defendant shall file its direct testimony by affidavit of witnesses within its control, any exhibits, any excerpts of depositions and its trial brief by June 24, 2024. Plaintiff shall file any rebuttal evidence and a reply brief by July 12, 2024. The parties shall submit to the Chambers email inbox within five

¹ If a party wishes to move for summary judgment, its motion is due on the same date that its direct testimony by affidavit is due (n.b. any such motion would be in addition to the other submissions outlined above.) The schedule on the motion would be as set forth in Local Civil Rule 6.1.

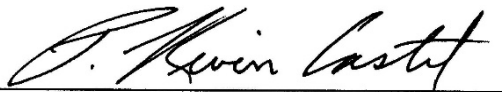
days of filing a Microsoft Word version of all direct testimony by affidavit together with the trial briefs.

By July 19, 2024 the parties shall submit a Joint Pretrial Order with particular attention to the inclusion of stipulated facts. See Individual Practices at ¶ 6(A).

The provisions of Individual Practices at ¶ 6(D)(iii) & (iv) will apply to the trial of the action.

A Final Pretrial Conference is scheduled for July 31, 2024 at 2:00 p.m. in Courtroom 11D, 500 Pearl Street, New York, NY 10007.

SO ORDERED.



P. Kevin Castel
United States District Judge

Dated: New York, New York
March 25, 2024